

**MINUTES OF THE
CITY PLANNING COMMISSION
DECEMBER 15, 2006
J. MARTIN GRIESEL CONFERENCE ROOM
TWO CENTENNIAL PLAZA – SUITE 700
805 CENTRAL AVENUE**

CALL TO ORDER

Mr. Faux called the meeting to order at 9:04 a.m. with Caleb Faux, Jacquelyn McCray, Donald Mooney, and Rainer vom Hofe in attendance.

Commission Members:

Present: Caleb Faux, Jacquelyn McCray, Donald Mooney, Milton Dohoney, James Tarbell, and Rainer vom Hofe

Community Development and Planning Staff: Margaret Wuerstle, Bonnie Holman, Katherine Keough-Jurs, Felix Bere, Caroline Kellam, Adrienne Cowden, and Jennifer Walke.

Law Department:

Julia Carney

APPROVAL OF MINUTES

Submission of the minutes from the December 1, 2006 Planning Commission meeting for approval.

Motion:	Mr. Mooney moved approval of minutes.
Second:	Ms. McCray
Ayes:	Mr. Faux, Ms. McCray, Mr. Mooney, and Mr. vom Hofe
Nays:	None, motion carried

CONSENT ITEMS

- ITEM #1** A report and recommendation on the vacation of Oesper Avenue, located East of Realistic Avenue and South of Dana Avenue in the Evanston community, for the benefit of The Keystone Parke project.
- ITEM #2** A report and recommendation on authorizing the grant of a permanent easement within the Irene Alley right-of-way to Rosezell and Alice Wallace for the location of a private sanitary sewer lateral.
- ITEM #3** A report and recommendation on accepting and confirming the dedication of a parcel of city-owned land (known as Auditor's parcel 209-4-206) to public use for

street purposes as an addition to Westwood Northern Boulevard and Goebel Avenue.

- ITEM #4** A report and recommendation on accepting and confirming the dedication of a parcel of city-owned land (known as Auditor's parcel 1-2-346) to public use for street purposes as an addition to Beechmont Avenue.
- ITEM #5** A report and recommendation on authorizing the City Manager to enter into an Agreement of Lease with Beethoven Place Condominium Association, Inc. for the parking lot on Morris Street in Eden Park.
- ITEM #6** A report and recommendation on accepting and confirming the dedication of a parcel of city-owned land (known as Auditor's parcel 118-1-146) to public use for street purposes as an addition to Paddock Road and Laidlaw Avenue.
- ITEM #7** A report and recommendation for a Plat of Subdivision, Record Plat, concerning the Bluffs at Woodcrest Subdivision in the Westwood neighborhood.
- ITEM #8** A report and recommendation concerning a Plat of Subdivision, Record Plat, for Jonathan Meadows Subdivision in the Walnut Hills neighborhood.

BY LEAVE

- ITEM # 18** A report and recommendation on a Lease Agreement with Toad, Inc. for property located at 3838 Pennsylvania Avenue.

Motion: Ms. McCray moved approval of Consent Items #1 - #8 and By Leave Item #18.

Second: Mr. vom Hofe

Ayes: Mr. Faux, Ms. McCray, Mr. vom Hofe, and Mr. Mooney

Nays: None, **motion carried**

MR. DOHONEY ARRIVES AT 9:07 AM

DISCUSSION ITEMS

- ITEM #9** A report and recommendation on the disposition of Planned Development District #1 in the neighborhood of Bond Hill.

Ms. Caroline Kellam, Senior Planner, presented this item.

BACKGROUND: On January 6, 2006 City Planning Commission extended the concept approval for Planned Development Districts that lack final development plans for a period of one

year to February 13, 2007. Staff evaluated the initial 37 Planned Development Districts that lacked final development plans and initiated the zone change process as necessary.

During the study, it was determined by the Law Department and Planning Staff that if a covenant was on file for the property, then a zone change would not be necessary. The covenant or the Final Development Plan serves as the zoning guidelines for the property.

Staff conducted a review of the initial 37 PD Districts. The purpose of the review was to determine the status of each district; 1) Origin: T Zone or PUD or SHO District; 2) Evidence of an approved final development plan; 3) Status of the development in regards to proposed new construction or 4) a project has been built out and completed.

After review, it was determined that PD-1 does not require further zoning analysis.

PD-1: This PD was created for the Techsolve project known formally as I.A.M.S. The property was previously in an R-2 (T) Zoning District. An Urban Renewal Plan was approved in 1990. A design review component is included in the original Urban Renewal Plan legislation and ordinance for this property and is managed by the City Architect. Final Development Plans were reviewed and approved by the City Planning Commission for Lab One Inc., and 6700 Steger Drive in June 2004 and Amanta Nonwovens LLC, in November 2004. These two developments are probably the last projects for this PD since most of the land area has been developed. PD #1 is located in the neighborhood of Bond Hill.

RECOMMENDATION:

The Community Development and Planning Department staff recommended that the City Planning Commission take the following action:

APPROVE PD #1 to remain in place with the approved Final Development Plan serving as the zoning regulations for the PD district.

DISCUSSION

Ms. Kellam gave a brief history of PD #1 and used a large map to illustrate the area.

Motion:	Mr. Mooney moved approval of Item #9 as recommended in the Staff Report
Second:	Ms. McCray
Ayes:	Mr. Faux, Ms. McCray, Mr. vom Hofe, Mr. Mooney, and Mr. Dohoney
Nays:	None, motion carried

ITEM #10 A report and recommendation on the disposition of Planned Development District #8 in the neighborhood of Corryville.

Ms. Caroline Kellam, Senior Planner, presented this item.

BACKGROUND: On January 6, 2006 City Planning Commission extended the concept approval for Planned Development Districts that lack final development plans for a period of one year to February 13, 2007. Staff evaluated the initial 37 Planned Development Districts that lacked final development plans and initiated the zone change process as necessary.

During the study, it was determined by the Law Department and Planning Staff that if a covenant was on file for the property, then a zone change would not be necessary. The covenant or the Final Development Plan serves as the zoning guidelines for the property.

Staff conducted a review of the initial 37 PD Districts. The purpose of the review was to determine the status of each district; 1) Origin: T Zone or PUD or SHO District; 2) Evidence of an approved final development plan; 3) Status of the development in regards to proposed new construction or 4) a project has been built out and completed.

After review, it was determined that PD-8 does not require further zoning analysis because the project is completed and occupied.

PD-8 is located on E. University Avenue, Eden Avenue and Fosdick Street in the Corryville neighborhood. This was a Special Housing Overlay (SHO) District approved in January 2001 for 24 dwelling units in three buildings on .75 acres. Building permits were issued prior to the adoption of the current code. The project was recently completed and is occupied. Prior zoning was R-4 Multi-family. Current zoning abutting the property is RMX.

RECOMMENDATION:

The Community Development and Planning Department staff recommended that the City Planning Commission take the following action:

APPROVE PD #8 to remain in place with the approved construction plans serving as the Final Development Plan and zoning regulations for the PD district.

DISCUSSION

Ms. Kellam gave a brief history of PD #8 and used a large map to illustrate the area. Mr. Faux explained that the PD was created when the new Zoning Code was adopted.

Motion:	Ms. McCray moved approval of Item #10 as recommended in the Staff Report
Second:	Mr. Mooney
Ayes:	Mr. Faux, Ms. McCray, Mr. vom Hofe, Mr. Mooney, and Mr. Dohoney
Nays:	None, motion carried

MR. TARBELL ARRIVES AT 9:10 AM

ITEM #11 A report and recommendation concerning Planned Development (PD) District No. 4 at 440 Lafayette Avenue within the Clifton Neighborhood.

Mr. Felix Bere, Senior Planner, presented this item.

BACKGROUND:

Planned Development District No. 4 (Deaconess Long Term Care facility) was established on January 13, 2004 when City Council adopted the current Zoning Code. It will expire on February 14, 2007 unless a Final Development Plan is submitted and approved. Previously the property was zoned R-1A and has been used as a nursing home since before 1963. The nursing home has been a non-conforming use since before the previous code's adoption. The concept plan for PD No. 4 consists of two Director of Buildings and Inspection decisions dated 1965 and 1973 on the extension of a non-conforming use.

Staff has completed the zoning study and recommends retention of the established PD No. 4. This PD consists of the Scarlet Oaks Retirement Community, which includes a nursing home, assisted living, independent living, and regular apartments located at 440 Lafayette Avenue. The nursing home site is substantially developed on a wooded hillside property. Re-zoning the subject property from a PD Zoning District to the RM-2.0 Multi-Family Zoning District or the SF-20 Single-Family Zoning District was discussed. The RM-2.0 Zoning District accommodates the current use while the SF-20 District which surrounds the subject property, does not permit the existing use. The Clifton Community prefers the SF-20 Zoning District because it is more restrictive. They oppose the RM-2.0 Zoning District because it is less restrictive and could potentially convert this stable single-family residential community into a more dense development site in the event the current use is terminated. Additionally, there are currently no other zoning designations that precisely accommodate the subject site's layout and design. Therefore, the consensus is to retain the current PD Zoning District. Since the current PD was established without an approved Final Development Plan, the preparation and submittal of one is requirement to maintain a PD District.

Staff requested a Final Development Plan for Planned Development District No. 4 from the Scarlet Oaks Retirement Community. A letter from David Akester, AIA with GBBN Architects describes future improvements and upgrades on the Scarlet Oaks Retirement Community Campus as the phased Final Development Plan.

The following development guidelines were developed from the 1965 and 1973 decisions by the Director of Buildings and Inspections as well as the description of the future improvements and are proposed to assist in reviewing future improvements:

1. Existing landscaping features on the property, including shrubs, plantings and trees be preserved and maintained in good condition wherever practical.
2. Any lighting used to illuminate the parking areas in question and the premises shall be arranged so as to reflect light away from the adjoining premises in the residential district.
3. Carport extensions must match existing design near the apartment building.
4. New parking lot should be landscaped and screened from residents of West Cliff Lane.
5. Buffer on the east edge of the Campus should be adequate and appropriately landscaped.
6. All proposed walkways and pathways should be paved and lighted.

7. Uniform graphic site signage throughout the campus should be consistent with building architecture.
8. Uniform pole and low-level lighting for the site should complement the campus architecture.
9. Design of the proposed access road off Lafayette Avenue should address the steep slope of the Hillside.

Community Response

Three public meetings were convened to discuss the subject Planned Development and no one in attendance opposed the retention of the subject PD. The Clifton Town Meeting (CTM) supports the retention of the PD zoning district. The Deaconess Long Term Care of Ohio Inc, the property owners concur with CTM and staff that PD No. 4 should be retained. The owner explained that a proposed emergency access road off Lafayette Avenue may be constructed in the future and the design of the roadway improvements will need to address the steep slope of the Hillside. There was no opposition from the attendees on these issues.

RECOMMENDATION:

Recognizing that the Scarlet Oaks Retirement Community is essentially a built-out development and that the future improvements are largely repairs and maintenance issues, the Department of Community Development and Planning staff recommended that the City Planning Commission take the following actions:

1. **APPROVE** Planned Development (PD) District No. 4 to remain in effect beyond the expiration date of February 14, 2007.
2. **APPROVE** the Final Development Plan with the associated development guidelines as the permanent regulations for PD No. 4.

DISCUSSION

Mr. Bere gave a brief overview of PD #4. He also distributed a recent letter from the Clifton Town Meeting to the Planning Commission members.

Dan Hendy of Rothman & Todd, and attorney for Scarlet Oaks explained that any changes would be cosmetic and aesthetic improvements. Scarlet Oaks is a 135-resident long term care facility that was previously owned by Bethesda Hospital and is now owned by Deaconess Hospital long term care. No new Buildings are being proposed.

Mr. Mooney stated that the illuminated sign is a concern of the neighborhood.

Mr. Hendy explained that the existing sign is 12 square feet and will be lighted so that people can find the facility at night. The proposal is just to freshen the on-site signage and make it uniform.

Mr. Tarbell explained that the sign on Lafayette had already been changed and that he had concerns about the sign because it is too bright. He agreed with the residents that it was out of character with the neighborhood.

Michael Ramundo felt that the zoning designation should be SF-20. He also felt that there was an alternate location for the proposed second road that would be better for the neighborhood.

Mr. Mooney said that he would approve the project with a reduction on the brightness of the sign and removal of the access road from the Final Development Plan. He felt the road could be a major engineering issue due to the steepness of the site.

Guy Humphrey spoke next and stated that he is the Chairman of the Clifton Zoning Committee and that Mr. Ramundo is not on the committee and does not speak for the Clifton Zoning Committee. The Clifton Zoning Committee was ok with the PD designation with two changes:

- 1) remove the access road from the plan
- 2) put additional restrictions on the signage.

Dave Akester, an architect with GBBN stated that Scarlet Oaks needs a second means of access because an emergency vehicle had gone off the road and blocked access for 6 hours. The Fire Department wants a secondary means of egress. The easiest access would be collapsible bollards along the West Clifton but the neighbors on West Clifton do not want that to be the new access. The proposed road would be gravel and for emergency access only.

Motion:	Mr. Mooney moved approval of Item #11 as recommended by the Staff report with the following changes: 1) remove the access road from the plan. Details of the access road need are to go back to the Planning Commission for approval, 2) remove the entrance signage from the plan. Details on the signage at the entrance to the property are to go back to the Planning Commission for approval, and 3) the internal on-site signs are approved as shown on the Final Development Plan.
Second:	Mr. Tarbell
Ayes:	Mr. Faux, Ms. McCray, Mr. vom Hofe, Mr. Mooney, Mr. Tarbell and Mr. Dohoney
Nays:	None, motion carried

ITEM #12 A report and recommendation on Planned Development District #17 Zone Changes.

Ms. Jennifer Walke, Senior Planner, presented this item.

GENERAL INFORMATION:

Location: Along Riverside Drive/Eastern Avenue.

Owners:
Various

Petitioner:
City of Cincinnati

Purpose: To apply a zoning designation to the property prior to the expiration of the existing zoning (Planned Development District #17) in February 2007.

BACKGROUND:

Planned Development District No. 17 (PD-17) was created on February 13, 2004 with the adoption of the 2004 Zoning Code. PD-17 includes the Adam Landing development and property owned by the Stewart Place Company, Johnson Electric, Verdin Bell and various individual lot owners. The PD designation was put in place to accommodate proposed development in the area when the zoning code was adopted in 2004 and the old zoning designations were eliminated; however, only a portion of the PD has been developed.

EXISTING CONDITIONS:**Adjacent Land Use and Zoning:**

North: SF-20, Columbia Parkway and land owned by the Park Board intended to preserve the view from the Parkway.

East: SF-2, RMX, RF-R

South: Ohio River

West: DD and RF-R.

ADAMS LANDINGBackground

The City entered into a development agreement with Towne Properties for the Adams Landing development on February 26, 2002. The site plan was finalized through the development agreement. Development is underway and is being diligently pursued.

Existing Plans

The East End Riverfront Community Development Plan and Guidelines (1992) references the Adams Landing development project; however the project is located outside the scope of the East End Plan.

Analysis

This portion of PD-17 meets zoning code regulations to retain its PD zoning designation.

Recommendation

Staff recommended that Adams Landing portion of PD-17 remain zoned as PD-17.

PROPERTY NORTH OF EASTERN AVENUE**Background**

Prior to the adoption of the current zoning code, the property on the north side of Eastern Avenue, south of Gladstone Avenue, was zoned for medium-density residential development (R-5) and also located within an Environmental Quality District. There are approximately 25 property owners in this portion of PD-17. This area is located in a Hillside Overlay District.

Existing Plans

The East End Riverfront Community Development Plan and Guidelines (1992) recommends medium density housing and promotes infill housing throughout the neighborhood that is compatible in scale with the surrounding physical environment. In 1992 typical building heights ranged from 35-45 feet.

Public Comment

Department of Community Development and Planning staff conducted a public conference on this zone change request on November 28, 2006. Those in attendance were adjacent property owners including Gerry Burns, Maryan Tebbutt, Carol Striker, Lew Siler, Ian Scott, Jim Olman and Tawn Fischer. Eric Russo, Hillside Trust, was also in attendance. City Staff in attendance were Margaret Wuerstle, Chief Planner and Jennifer Walke, City Planner. Attendees were in support of the RM 1.2 zoning for the area.

No comments were received from the East End Area Council.

Analysis

The residential multi-family 1.2 (RM 1.2) zoning designation promotes medium-density housing, which is consistent with the previous zoning and is consistent with the recommendations in the East End Riverfront Plan. The height limitation in the RM 1.2 is 35 feet.

Recommendation

Staff recommended that the property located in PD-17 that is north of Eastern Avenue, south of Gladstone Avenue, be zoned RM 1.2.

VERDIN BELL PROPERTY

Background

Verdin Bell owns 2.8 acres in PD-17 adjacent to the Verdin Bell manufacturing facilities, which are zoned Manufacturing Light (ML). The existing zoning dividing line between the ML and the PD splits parcels. Prior to the adoption of the current zoning code, this property was zoned B-4 (commercial district) and RF-1 (riverfront district).

Existing Plans

Verdin Bell is located in Site B of the East End Plan (1992). The plan recommends that Site B “retain its mixed-use character of residential, commercial, recreational and retail uses... Infill development in the flat open area between Eastern Avenue and the river should be comprised of single-family detached rowhouses and duplexes.

Public Comment

Department of Community Development and Planning staff conducted a public conference on this zone change request on December 1, 2006. Those in attendance were nearby property owners including Brent Fraser, Tom Wilson, Mark Greene, Gerry Burns, Lew Seiler, Tawn Fichter, Maryan Tebbutt, Carol Striker, Jeff Blanton, Jim Olman representing the Edgecliff Point Condominium Association and Jim Anderson representing Egdecliff Condominium Association. Also present were Jennifer LeMasters, Jefferson Development Group; Tim Burke, Manely Burke; George Stewart, The Sawyer Place Company; Jeff Stewart, The Sawyer Place Company; C. Francis Barrett, Attorney for George Stewart; and Bob Doran, architect for George Stewart. City Staff present were Margaret Wuerstle, Chief Planner, and Jennifer Walke, City Planner. No one present voice opposition on the ML designation being placed on the 2.8 acres owned by Verdin Bell.

Staff received no letters in support of or opposition to this change.

Analysis

The ML zoning designation is appropriate for this site and will remedy the situation of the zoning line slitting parcels. The height limitation in the ML district is 45 feet. Permitted uses in the district include a variety of commercial, artisan and limited production industry, research and development, indoor storage and a variety of transportation, communication and utility uses.

Recommendation

Staff recommended that the property owned by Verdin Bell in PD-17 be rezoned ML.

JOHNSON ELECTRIC COMPANY PROPERTY

Background

The Johnson Electric Company owns five acres of property on the south side of Eastern Avenue along the riverfront. The property contains offices and a gas station. Prior to the adoption of the current zoning code, this area was zoned R-5 (T), B-4, RF-2 and RF-1.

Existing Plans

Johnson Electric Company is located in Site B of the East End Plan (1992). The plan recommended that Site B “retain its mixed-use character of residential, commercial, recreational and retail uses... Infill development in the flat open area between Eastern Avenue and the river should be comprised of single-family detached rowhouses and duplexes.

Public Comment

Department of Community Development and Planning staff conducted a public conference on this zone change request on December 1, 2006. Those in attendance were nearby property owners including Brent Fraser, Tom Wilson, Mark Greene, Gerry Burns, Lew Seiler, Tawn Fichter, Maryan Tebbutt, Carol Striker, Jeff Blanton, Jim Olman representing the Edgecliff Point Condominium Association and Jim Anderson representing Egdecliff Condominium Association. Also present were Jennifer LeMasters, Jefferson Development Group; Tim Burke, Manely Burke; George Stewart, The Sawyer Place Company; Jeff Stewart, The Sawyer Place Company; C. Francis Barrett, Attorney for George Stewart; and Bob Doran, architect for George Stewart. City Staff present were Margaret Wuerstle, Chief Planner, and Jennifer Walke, City Planner. No one present opposed a zone change to RF-R. The CN-M option was not discussed at the meeting.

Analysis

The existing uses of the Johnson Electric property are oriented towards Eastern Avenue and do not make use of the river. The Commercial Neighborhood-Mixed (CN-M) zoning designation accommodates and promotes the mixed-use character of the district and upholds recommendations to retain the mixed-use character in the East End Riverfront Plan. Maximum building height in the CN-M is 50 feet, which is consistent with the Environmental Quality district recommendations to preserve views.

Recommendation

Staff recommended that the property owned by Johnson Electric in PD-17 be rezoned CN-M.

STEWART PLACE COMPANY

Background

The Stewart Place Company owns approximately 25 acres of property between Eastern Avenue and the Ohio River. Prior to the adoption of the current zoning code, the property was zoned R-5 (T) and RF-2.

R-5 (T) permitted a mix of medium-density residential, commercial and industrial uses. The subject area was also governed by an Environmental Quality District, which limited heights, scale and massing and protected views.

Existing Plans

The East End Riverfront Community Development Plan and Guidelines (1992) recommends the creation of:

“...New mid-rise housing at the former American Building Components site and former Rookwood Terminal site to the east. This property extends approximately 12 acres west of the Rookwood underpass and approximately eight acres east of the underpass. Due to the proximity of the 12 acres site to the approved Adams Landing development, building density, massing and scale of these two developments should be complementary. This development could also include some commercial uses. Structured parking may be necessary to accommodate parking requirements. Public open space should be provided along the shoreline in order to link the proposed International Friendship Park with the existing public parklands to the east.”(page 16-17).

The plan also recommends this area to develop beyond its industrial past:

“Site A, rather than retaining its past industrial uses is better suited for residential uses because of its location on the river, its commanding views, and its proximity to park facilities and amenities. Medium-density housing is recommended because of the site’s proximity to downtown and its physical separation from existing residential development... The flat open area along the river is conducive to the housing type referred to as Large Parcel Development, described in detail in Section 4.6- Large Parcel Development. The scale of development proposed is mid-rise residential buildings (approximately 6 stories high above 2 stores of parking) around a central courtyard with views to the river... A commercial center is proposed for Site A; which will provide the area with retail and service uses and river-oriented open space to compliment the area’s residential makeup.” Each commercial center should include a mix of service, retail, office, public meeting space, indoor recreational facilities and/or outdoor public space with river view. Where possible the centers and open space should have a strong orientation to Eastern Avenue... Residential units where possible should be positioned above the retail stored and existing buildings should be adaptively reused for this purpose” (page 17).

Public Comment

Department of Community Development and Planning staff conducted a public conference on this zone change request on November 28, 2006. Those in attendance were nearby property owners including Brent Fraser, Tom Wilson, Mark Greene, Gerry Burns, Lew Seiler, Tawn Fichter, Maryan Tebbutt, Carol Striker, Jeff Blanton, (representing Twains Point Condominium Associations), Jim Olman (representing the Edgecliff Point Condominium Association) and Jim Anderson (representing Edgecliff Condominium Association). Also present were Jennifer LeMasters, Jefferson Development Group; Tim Burke, Manely Burke; George Stewart, The Sawyer Place Company; Jeff Stewart, The Sawyer Place Company; C. Francis Barrett, Attorney for George Stewart; and Bob Doran, architect for George Stewart. City Staff present were Margaret Wuerstle, Chief Planner, and Jennifer Walke, City Planner.

George Stewart stated that current uses of his property are office space, marine terminal, railroad and distribution center. There are a number of circumstances that prevent him from finalizing a development plan at the present time: future of the railroad, location of the bike trail, realignment of Eastern Avenue, the view corridor study and market conditions.

Two Concept Plans were submitted for the Stewart Place Company. One reflected proposed uses and the other reflected existing uses. The proposed uses included a bike trail, promenade with storefront retail, underground parking and residential/hotel/office uses above the ground floor. Buildings would vary in height; however height and density are to be determined at a later date when the market permits. There are spaces between buildings, which preserve views and promote activity along the riverfront.

C. Francis Barrett emphasized that City Planners felt that a PD designation was appropriate for the site and zoned it accordingly with the adoption of the current zoning code.

The height of the proposed development was of concern to residents. Currently, there are no height limitations, nor height rights on the property. C. Francis Barret said that height will be determined at a later date. Jim Olman stated that mixed –uses are inappropriate for the direction the neighborhood is headed, especially when one accounts for the RM 1.2 zoning designation that may be placed on the north side of the street that will limit heights to 35 feet. He argued that the best fit for the property was RF-R and urged The Stewart Place Company to accept that zoning designation and apply for a PD designation when the market conditions were right to develop, instead of speculating. Tim Burke also argued in favor of the RF-R zoning designation saying that a PD could be placed on the property at a later date and that the current PD does not provide protection.

George Stewart argued that this site is significant because it is one of the few areas along the Ohio River that is not located in a flood plain. The taller buildings he proposed would provide for a break between them, which is in contrast to the developments along Eastern Avenue near Collins, which are short buildings, but are attached and block all views of the river. He commented that the current use of his property would remain unless it can be redeemed by another use.

When asked about the timeline for development, C. Francis Barret commented that they will take another hard look at the site in 5 years. George Stewart said that when it looks like the

development is ready to move forward, he would start closing out his leases for the property. However, if it is zoned RF-R, he will retain current uses. Bob Doran, Stewart's Architect, said that the designs for the proposed development adhere to the Environmental Quality and R-5 (T) guidelines.

Again, Jim Olman argued that there was too much speculation. This development may block public views from Eden Park of the Ohio River Valley, a valuable asset. Tim Burke argued that Eastern Avenue has developed as a neighborhood and extends down to Delta Ave as low-rise developments, with some mid-rise. He felt that a zoning designation with lower height limitations was a better alternative.

Jeff Stewart argued that when The Stewart Place Company purchased the site, it was zoned Downtown, then Environmental Quality district. The proposal to change it to a RF-R designation would be considered a "taking".

Margaret Wuerstle noted that it didn't seem that the PD was the concern. The residents seem more concerned about height and density issues. C. Francis Barret argued that George Stewart will not develop under RF-R. The PD provides for a very public review process. Furthermore, the current regulations state that "If an approval of a Concept Plan and development plan lapses, the PD District designation is removed from the zoning map and the zoning of the PD district reverts to the zoning district designation in effect immediately before the PD designation." George Stewart would accept a reversion to the prior zoning designation R-5 (T) and Environmental Quality District. Bob Doran argued that this property is unique because it is a buffer zone between the Central Business District and the East End.

Analysis

Two concept plans were submitted for The Stewart Place Company property- one promoted mixed-use development and the other industrial uses. The property owner indicated that a reversion to the R-5 (T) and EQ guidelines governing the property prior to the adoption of the current zoning code would be acceptable. The RF-R designation does promote the desired uses for the site as determined by the East End Riverfront Plan; however, RF-R limits heights to 35 feet and the East End Plan recommends mid-rise developments for the site.

The R-5 (T) guidelines permit a variety of commercial, riverfront and medium-density residential. The EQ district required development on the south side of Eastern Avenue to be limited to single-family attached, duplex, and rowhouse residential developments. It also mandates that new developments match the height of existing buildings within the vicinity that serve similar functions.

Recommendation

Staff recommended that Planning Commission approve a PD zoning designation for the site and accept the proposed Concept Plans in conjunction with the R-5 (T) and EQ guidelines to serve as the preliminary Concept Plan. Staff further recommended that the Planning Commission require a more detailed Concept Plan and Final Development Plan to be approved by Planning Commission in the next two years to avoid expiration of the PD and if the PD is allowed to expire, the zoning designation placed on this property will be RF-R.

The Revised Concept Plan and Development Program Statement meet the criteria outlined in §1420-09 of the Cincinnati Zoning Code:

- (a) **Plan Elements:** The two site plans in accordance with the R5 (T) and Environmental Quality guidelines will govern the concept of the site. A more detailed Concept Plan and Final Development Plan, highlighting one site plan shall be approved by Planning Commission in the next two years.
- (b) **Ownership:** The Stewart Place Company has control of the entire site.
- (c) **Schedule:** The PD will remain in place for 2 years, during which time The Stewart Place Company will submit a more detailed concept plan for development of the site. If no Concept Plan is submitted, then the PD will expire and the zoning will become RF-R.
- (d) **Preliminary Reviews:** To be included in the detailed Concept Plan
- (e) **Density and Open Space:** To be included in the detailed Concept Plan
- (f) **Other information:** As requested by the City Planning Commission.

CONCLUSION:

1. Adams Landing is under development and meets the regulations to remain Planned Development District #17.
2. RM 1.2 is compatible with existing and desired uses and structures for the area north of Eastern Avenue.
3. The ML district is compatible with existing uses on the property south of Eastern Avenue owned by Verdin Bell.
4. CN-M is compatible with the existing uses on the Johnson Electric Company site and with the East End Plan.
5. A new PD designation for property owned by The Stewart Place Company that is consistent with previous zoning, with time to develop a detailed Concept Plan for the property, is fair to the community and the property owner. If a use is not approved within the time frame, then the zoning designation will become RF-R.

SUMMARY RECOMMENDATION:

Department of Community Development and Planning staff recommended that City Planning Commission take the following actions:

1. **ACCEPT** the report for Adams Landing to remain zoned Planned Development District #17.
2. **APPROVE** the zone change for the portion of PD-17 on the north side of Eastern Avenue to RM 1.2
3. **APPROVE** the zone change for Verdin Bell property from PD-17 to ML
4. **APPROVE** the zone change for Johnson Electric Company from PD-17 to CN-M
5. **APPROVE** the zone change for Stewart Place from PD-17 to a new PD with the guidelines of the R-5 (T) and EQ District serving as the Concept Plan.

DISCUSSION

Jason Tonne, an attorney with Trauth & Troy spoke on behalf of Doug Johnson, owner of Johnson Electric Supply. He stated that the property was previously zoned R5-T, B-4 and RF-2. They wanted the property to remain a PD because they intended to develop the property and need more flexibility. The CN-M designation would still result in a nonconforming use.

Doug Johnson stated that Johnson Electric is a third generation business and the City has moved them two times. They do not own the gas station. He had issues with the CN-M because of certain requirements such as the need for transparency on the ground floor and for driveways and parking to be located in the side and rear yards. Also the district prohibits warehousing and warehousing is the majority of this business.

Joe Trauth representing Verdin Bell Company stated that Verdin Bell has outgrown these facilities and plans to move. The ML designation was acceptable but they would need to ask for a rezoning when they were ready to develop the property.

Mr. Faux explained that the PD was expiring and a decision needed to be made at this time.

Betty Burns spoke briefly about the church being trapped in the middle of the zoning districts. She felt the church did not have input into the zoning changes.

Mr. Faux asked if there were any speakers on the zone change on the property north of Eastern Avenue to the RM 1.2 zoning district. There were no speakers on the proposed zone change to this portion of PD #17.

C. Francis Barrett, attorney for George Stewart spoke in favor of the PD designation on the portion of PD #17 owned by George Stewart. He stated that Mr. Stewart foresees a market for housing for the active elderly and the PD designation would provide flexibility for his client and controls for the neighborhood.

Kathy Farro, planner for the office of Manley Burke requested that the George Stewart property be zoned RF-R. She stated that staff had justified their recommendation on the East End Plan, which recommended mid-rise housing. She stated that the East End Plan was outdated. Any development on this site should be complimentary to the existing surrounding development.

Jim Olman stated that he sent a letter to the Planning Commission in April 2005. He wanted that letter to be made part of the record of this Planning Commission meeting. The correspondence is attached to the minutes as Exhibit A. Mr. Olman stated that he represented the Edgecliff Condominiums and the Citizens for Protection of the Ohio River Views. He is also a professional real estate broker. Mr Olman stated that he had 500 signatures in opposition to development of any height on the Stewart property. He wanted to see the RF-R designation placed on the Stewart property and the Johnson Electric property. He then read from a copy of Kenny's 1875 *Illustrated Cincinnati* book. The book stated that Eden Park overlook is one of the assets of Cincinnati that needs to be protected.

Eric Russo of the Hillside Trust spoke in opposition to the PD on the Stewart property. He stated that the Adam's Landing project had a public review process but they still ended up with a 13 story structure on that site. He also stated that the public view corridor needed to be protected and that the difference between the PD and the RF-R zoning designations was that the developer would make a "killing" with the PD designation versus a reasonable return with the RF-R designation.

Tim Burke, stated that he was the attorney representing the Chavez family and Edgecliff Condominiums. He stated that the PD designation is the best alternative for the Stewart property but that it does not have adequate controls in place. The EQ regulations allow developments to a height of 725 feet ASL and that is approximately 25 stories. An appropriate PD designation would have height limitations that would reflect the type of development that is occurring in the surrounding area. He also stated that putting appropriate controls in the PD would not be a “taking” because the zoning is designed to prohibit incompatible uses next to each other and the property owner would still be able to realize an economic return on the property. He explained that the courts in Hamilton County have upheld view protection zoning.

Judith Curtin requested that the Planning Commission look into services and other issues besides the height issue.

Lew Seiler of 2056 Eastern Avenue stated that Mr. Stewart’s original conceptual plan showed huge high-rise buildings and felt that the Planning Commission would be making a bad decision if they allowed these high-rises to be built. He urged the Planning Commission not to make a hasty decision.

Dan Hendy echoed Mr. Burke’s comments and agreed that there needed to be limitations on the massing and height of the buildings.

Motion: Mr. Mooney moved to approve the zone change as recommended in the Staff Report for the portion of PD#17 on the north side of Eastern Avenue to RM1.2

Second: Ms. McCray

Ayes: Mr. Faux, Ms. McCray, Mr. vom Hofe, Mr. Mooney, Mr. Tarbell and Mr. Dohoney

Nays: None, **motion carried**

Motion: Mr. Mooney moved to approve the zone change as recommended in the Staff Report for the Verdin Bell property from PD#17 to an ML designation with the understanding that they would come back with a rezoning request when they were ready to develop the site.

Second: Ms. McCray

Ayes: Mr. Faux, Ms. McCray, Mr. vom Hofe, Mr. Mooney, Mr. Tarbell and Mr. Dohoney

Nays: None, **motion carried**

Motion: Ms. McCray moved to accept the Staff Report recommendation and approve the zone change for the Johnson Electric property from PD#17 to the CN-M designation

Second: Mr. von Hofe

Ayes: Mr. Faux, Ms. McCray, Mr. vom Hofe, Mr. Mooney, Mr. Tarbell and Mr. Dohoney
Nays: None, **motion carried**

Mr. Mooney stated that we are always complaining about what is going on across the river in Kentucky. Things change in a community and the City should be open to change. He stated that he felt the Planning Commission should not endorse any specific building heights but that the Planning commission should give Mr. Stewart a chance to develop an exciting plan for the property. He went on to state that the Planning Commission should allow the imagination to work in creating this development. Mr. Mooney recommended adding “ in adopting these guidelines the Planning Commission reserves the right to review of the whole development proposal and that nothing in the approval is for a specific building height limitation and that the Planning Commission reserves the right to say no to any specific proposal.”

Mr. von Hofe stated that he enjoys the park views and would like to ensure that these views are preserved. Therefore, he requested that the decision be postponed until precise language can be developed and reviewed.

Motion: Mr. Mooney moved to accept the Staff Report recommendation to approve a new PD on the Stewart property with the R5-T guidelines and the EQ District 1 Guideline with the following changes:

- 1) Remove section IX.D(2) of the EQ District 1 Guidelines which states: “The average height of new buildings shall not exceed the elevation of 600 feet above sea level. Average building height is defined as the total square footage of each roof area of any structure on the site (including the plazas, decks, walkways, landscaped areas, recreation areas that are above all garage structures) multiplied by the structure’s sea level elevation, divided by the sum of the square footage of all roof areas. Decorative architectural elements, roof gardens, antennas, railings, chimneys, equipment penthouses, stairs and other similar non-habitable spaces may exceed this height limit;”
- 2) Remove section IX.D(3) of the EQ District 1 Guidelines which states: “ The structures included in the calculation of average building height shall not exceed a maximum individual height of 725 feet above sea level. Individual building height is defined as the sea level elevation of the highest main roof of a building. It is intended that decorative architectural elements, roof gardens, railings, chimneys, antennas, equipment penthouses, stairs and other similar non-habitable spaces may exceed this maximum individual building height limit.”
- 3) Add the following language: “ any Final Development Plan is subject to review by the Planning Commission and in adopting the guidelines of the R5-T and EQ District 1 with the removal of sections IX.D (2) and IX.D (3) the Planning Commission reserves the right to review any development proposal as a whole and decide on the specific detail at such time. Nothing in the Planning

Commission's approval of these guidelines should indicate an attempt to approve any specific residential or non-residential building heights for this property.

- 4) Should the owner fail to have a Final Development Plan approved within the two (2) year time frame as required by the Zoning Code or have the Concept Plan extended for a one (1) year period as allowed by the Zoning Code, the zoning on this property shall revert to the RF-R zoning designation.

Second: Mr. Tarbell

Ayes: Mr. Faux, Ms. McCray, Mr. Mooney, Mr. Tarbell and Mr. Dohoney

Nays: Mr. von Hofe, **motion carried**

Mr. Tarbell stated that this is an extraordinary piece of property in Cincinnati. The developer should be put on notice of the outcome desired by the Planning Commission and anything remotely resembling the previous Concept Plan is not acceptable.

Mr. Faux stated that it was Mr. Tarbell opinion and not the opinion of the entire Planning Commission.

MR. DOHONEY LEFT THE MEETING AT 11:30 AM

ITEM #13 A report and recommendation on a Zone Change for 2312-2316 Beechmont Avenue from RM 1.2 to CC-P in Mt. Washington.

Ms. Jennifer Walke, Senior Planner, presented this item.

GENERAL INFORMATION:

Owner:

Frank Klahm
702 Sutton Avenue
Cincinnati, Ohio 45230

Owner:

William Stringer
2313 Salvador Street
Cincinnati, Ohio 45202

Agent:

D. Stephen Cole.
7583 Lakewater Drive
Cincinnati, Ohio 45242

Purpose:

To allow for development of the property into a multi-tenant retail center.

BACKGROUND:

In 2003, the City of Cincinnati completed a \$700,000 streetscape improvement project to enhance the aesthetics and the pedestrian-friendly nature of the business district.

The 2005-2009 Consolidated Plan labeled Mt. Washington as a Strategic Investment Area and recommended that the City direct resources to the community to assist in maintaining a high quality of life in the neighborhood because 2000 Census data showed that the neighborhood was nearing low-moderate income eligibility. At the request of the Mt. Washington community, the

Department of Community Development and Planning staff is currently facilitating a comprehensive planning process for the neighborhood.

On March 3, 2006 City Planning Commission instructed staff and the neighborhood to take a closer look at that corner of the neighborhood business district after denying a requested zone change for the same property to Commercial Community-Mixed (CC-M).

EXISTING CONDITIONS:

Adjacent Land Use and Zoning:

North: RM 1.2, single and multi-family

East: RM 1.2, multi-family

South: CC-M, National City Bank

West: RM 1.2 and CC-A, single family and Valvoline Service Station.

Existing Plans:

In 1996, City Council adopted the Mt. Washington Urban Design Plan, which designated portions of the NBD as an Urban Renewal Area. The properties located at 2312, 2314 and 2316 Beechmont Avenue are adjacent to the Urban Design District and Urban Renewal Area, but are not included in either. The Goals of the Urban Design Plan include reinforcing the visual image and physical design of the districts as an aesthetically pleasing “village” type atmosphere and emphasizing design elements and improvements that enhance the quality of a pedestrian oriented development.

City Staff have been working with the community for the past year creating a Comprehensive Plan for the neighborhood. The plan has been drafted and recommends the extension of the business district northward to include 2312, 2314 and 2316 Beechmont Avenue with the CC-P zoning designation.

PUBLIC COMMENT:

Department of Community Development and Planning staff conducted a public conference on this zone change request on November 30, 2006. Two residents attended and supported the change. The Mt Washington Community Urban Redevelopment Corporation also supports the change. In addition, staff received two letters from citizens supporting the change. The Developer has made presentations to the Mt. Washington Community Council; however, no action has yet been taken.

ANALYSIS OF PROPOSED CHANGE:

In 2005, during the Mt. Washington Comprehensive Planning process, the Economic Development Committee stated that one of the challenges of the business district was that it lacked updated commercial space to attract new retailers. During a visioning session for the Comprehensive Plan, 150 people listed the following success measures for Mt. Washington’s business district: Less vacant land, a strong business district with thriving businesses, new retail buildings on available sites and places to walk.

At the March 3, 2006 City Planning Commission meeting, the Commission denied a request for a zone change on the same property to CC-M and instructed staff and the community to work

with the property owners to reach a consensus on zoning for this gateway of the Mt. Washington business district. The planning group recommended that the boundary of the business district be extended to encompass 2312-2314, 2316 Beechmont Avenue and with a CC-P zoning designation on the property to increase the size of the existing CC-P designation on that corner and allow for a larger commercial development on the property.

Extending the Urban Design District to include the subject property would subject all new development to a public Hearing with the Hearing Examiner.

CONCLUSION:

1. The proposed zone change promotes pedestrian-friendly development in the business district, which the community has requested.
2. The proposed zone change will create a site large enough for new commercial development.
3. The proposed change is consistent with recommendations made by the Community in the draft of the Mt. Washington Comprehensive Plan.

RECOMMENDATION:

Department of Community Development and Planning staff recommended that City Planning Commission take the following actions:

APPROVE the zone change for 2312, 2314 and 2316 Beechmont Avenue from Residential Multi-Family (RM-1.2) to Commercial Community-Pedestrian (CC-P) and extend the Urban Design Boundary to include those properties.

DISCUSSION

Motion: Mr. Mooney moved approval of Item #13 as recommended in the Staff Report
Second: Mr. Tarbell
Ayes: Mr. Faux, Ms. McCray, Mr. vom Hofe, Mr. Mooney, and Mr. Tarbell
Nays: None, **motion carried**

ITEM #14 A report and Recommendation concerning a Change in Zoning from SF-2 to RMX for 315-316 Warner Street in the CUF neighborhood.

Mr. Stephen Briggs, Senior Planner, presented this item.

GENERAL INFORMATION:

Current Owners:	Kerry Ryan 708 Signal Hill Drive Milford, Ohio 451	Philip V. Stikeleather 2901 Probasco Court Cincinnati, Ohio 45220
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Request: To rezone the property at 315-316 Warner Street (HCAP, Bk. 96, Pg. 2, Par. 60 & HCAP Book 100, Pg. 1, Par. 57) from the existing Single Family SF-2 District to Residential Mix (RMX) District is to allow both properties to be compliant with the Cincinnati Zoning Code. Both properties contain multi-family buildings in a single-family SF-2 district and are nonconforming land uses.

Staff Conference: The Department of Community Development and Planning staff held a conference on this request on Wednesday October 25, 2006.

Findings: The properties are located north and south of the Warner Street and west of Victor Street in the CUF neighborhood. Both properties are within a SF-2 zone district that is adjacent to a RMX district located northeast of the Warner Street and Victor Street intersection. Prior to 2004 this area was zoned R-6 high density multi-family. Each of the properties is a multi-family structure and was constructed prior to 1922 based upon Sanborn Map records. Parking for the apartment units have historically been on the street.

In particular, 316 Warner Street has three apartment units. The 315 Warner Street has two primary structures; one is a single family building with frontage on Victor Street positioned to the rear of a three-story building that has frontage on Warner Street. The three-story building was previously used as tavern on the first floor and has three apartment units. The three-story building at 315 Warner Street has been vacant for more than four years and its use for eating and drinking purposes and apartment building has since lapsed. Both 315 and 316 Warner Street exist as non-conforming uses within the SF-2 zoning district. The Zoning Code Chapter 1447 Nonconforming Uses and Structures, permits no substitution rights for existing nonconforming uses.

The owner of 315 Warner Street has renovated the single-family structure that has frontage on Victor Street and intends to renovate the larger three-story building that fronts on Warner Street. The three-story building was designed as a multi-family with a first floor business use. A building permit cannot be issued to renovate the multi-family in a single-family zone because the nonconforming use rights have lapsed. The city-wide zoning code update in 2004 changed the property zone designation from R-6 multi-family zone district to a SF-2 single family zone district. Coupled with the property having not been actively used for four years the three-story building can only be use as a single-family.

Community Response: Correspondence received has been in opposition to the change in zoning because of the lack of available on-street parking and amount of existing apartment dwelling units in the vicinity of 315-316 Warner Street.

Zoning Code Review: The property at 316 Warner Street contains 3,511 square feet. Under the old code prior to 2004 the R-6 zoning district permitted 1,000 square feet per dwelling unit. The current code's RMX district would require 7,500 square feet for a three family property at 2,500 square feet per dwelling unit. Changing the zone would make this property compliant, in that, a multi-family building would be permitted. This property, however, would be non-compliant with the RMX district required lot area requirements.

The property at 315 Warner Street contains 2,587.12 square feet and has two primary structures, a single-family structure and a multi-family structure. Prior to 1963 the Zoning Code did not prohibit multiple primary structures on the same lot when under single ownership. Changing the zone to an RMX district would make this property more compliant, in that, a multi-family would be permitted. Once the three-story structure has been renovated with the appropriate building code separation created between the two buildings an application for subdivision will be presented to the City Planning Commission. The subdivision of 315 Warner Street would occur as a separate action.

CONCLUSIONS:

The change in zoning would permit the multi-family buildings with three dwelling units to be more compliant with the zoning code and not be a nonconforming use. The change would allow a three-story building to be renovated. Once renovations have been made to the three-story building at 315 Warner Street the property owner will submit an application to subdivide his property so each building will be on its own lot.

RECOMMENDATION:

The staff of the Department of Community Development and Planning recommended that the City Planning Commission take the following action:

APPROVE a change in zoning at 315-316 Warner Street from the existing Single Family SF-2 District to a Residential Mix (RMX) District use in the CUF neighborhood

DISCUSSION

Motion:	Mr. Mooney moved approval of Item #14 as recommended in the Staff Report
Second:	Mr. Tarbell
Ayes:	Mr. Faux, Ms. McCray, Mr. vom Hofe, Mr. Mooney, and Mr. Tarbell
Nays:	None, motion carried

ITEM #15 A report and recommendation on a proposed zone change for Factory Square, a mixed use development located at the northeast corner of Hamilton Avenue and Blue Rock Street in Northside, from a Manufacturing General (MG) District to a Planned Development (PD) District.

Ms. Adrienne Cowden, Senior Planner, presented this item.

BACKGROUND

Factory Square encompasses eight and one-half acres in Northside. The irregular site is generally bounded by Knowlton Street on the north, Blue Rock Street on the south, Fergus Street on the east and Hamilton Avenue and Moline Court on the west. The property is currently zoned MG,

and the westernmost 100' +/- is located in the Northside NBD Historic District. The project boundary includes the c. 1920 American Can Factory, a late 19th century railroad office building and a former bowling alley (owned by a taxicab company), and it encompasses the former Myron G. Johnson & Son Lumber Company property.

In 2005 Bloomfield/Schon+Partners (B/S+P) purchased the American Can Factory building at 4101 Spring Grove Avenue and began the environmental remediation and rehabilitation of the building for mixed uses. The developer later purchased property in the adjacent block to the east in anticipation of parking requirements for American Can. Most recently, B/S+P acquired a purchase option for the Myron Johnson and taxicab company properties and is currently negotiating with the Department of Community Development & Planning on the project.

The master plan for Factory Square involves adaptive reuse of two existing buildings and construction of over 30 new buildings in two phases to create 132 residential units and approximately 40,000 square feet of commercial/retail space and 20,000 square feet of office space. The project includes:

TABLE 1. Factory Square Development				
* = use not yet determined				
<i>Building</i>	<i>Construction Type</i>	<i>Stories</i>	<i>Residential</i>	<i>Retail, Commercial & Office</i>
American Can Building	Rehabilitation	5-Stories	90 units	27,000 sq. ft.
Railroad Building	Rehabilitation	2½-Stories	3,000 sq. ft.*	
Professional/Medical Arts Office Building	New	2-Stories	—	20,000 sq. ft.
Mixed Use Building	New	3-Stories	12 units	12,000 sq. ft.
Townhouses	New	to be determined	30 units	—

The project also includes a park along Blue Rock Road and surface parking. Financing sources include Clean Ohio Funds, New Market Tax Credits, Historic Tax Credits, Tax Increment Financing and private equity as well as loans from banks and the City of Cincinnati.

The developer is requesting the City Planning Commission approve a zone change from a MG to PD. The current MG zoning does not permit and/or limits the residential and commercial uses proposed for Factory Square. The zone change is also necessary to secure financing.

City of Cincinnati Department Reviews

- ❑ Historic Conservation Board: The Historic Conservation Board (Board) will play two roles regarding the Factory Square project. First, it will review the design of the park, surface parking and the new mixed use building that are located within the Northside NBD Historic District for their compliance with the conservation guidelines. Second, since a portion of the project site is located in a historic district, the Board will advise the City Planning Commission regarding the Final Development Plan under § 1429-05(d) of the Zoning Code. The Board reviewed an initial proposal on October 9, 2006. The Board

was generally accepting of the plan in concept but expressed concern about various details.

- ❑ Other City Agencies: A Pre-Development meeting was held at the Building Development & Permit Center on October 17, 2006. Since this meeting B/S+P has been in contact with various departments including Metropolitan Sewer District, Greater Cincinnati Water Works and the Department of Transportation & Engineering regarding the development, and review of the concept plan is ongoing.
- ❑ Vacation and Closure of Fergus Street: Under the Factory Square proposal Fergus Street, a two-way right-of-way, will be utilized for surface parking and controlled access to and from the site. No structures will be built in this location. Access to only one property not owned by the developer – Autobahn Craftwerks at 4111 Spring Grove Avenue – will be impacted by the closure. Len Kirkhoff, the property owner, has written a letter that acknowledges and supports the proposed closure. In October 2006 B/S+P submitted a request to the City's Law Department to lease Fergus Street. Real Estate Services has circulated a Coordinated Report to solicit comments from various City departments regarding the proposed lease.

Community Response:

Staff held a conference on Wednesday, November 15, 2006. Jerry Herbert (4050 Spring Grove Avenue), Tom Herbert (4050 Spring Grove Avenue), Cornelia Binford (4113 Mad Anthony Street) and Sharon L. Duffy (4113 Chambers Street) attended the meeting; feedback from these stakeholders was positive. City staff included Steve Briggs, Adrienne Cowden and Rodney Ringer from Community Development & Planning and Martha Kelly, Greg Long and Jack Martin from Transportation & Engineering. Steven Bloomfield, Eric Baldosser and Julia Garcia represented the developer and design team.

Staff has received various letters of support for the development and the proposed zone change from the Northside Community Council and the Northside Business Association. Michael Wizer, resident of 3 Moline Court and the developer of the Moline Court townhouses, wrote in support of the zone change and the overall plan for Factory Square. No other interested parties, community organizations or adjacent property owners have contacted staff about the application.

Northside Comprehensive Land Use Plan

The Northside community submitted a revised draft of the *Northside Comprehensive Land Use Plan* to the Department of Community Development & Planning at the end of November 2006. The plan is still being reviewed by various City agencies and will be presented to the City Planning Commission at a future meeting. A review of the document indicates the proposed development and zone change complies with the plan's recommendations.

Based on a study of the area, the requested PD zoning is appropriate for the Factory Square development. The proposal complies with the basic requirements outlined in the Zoning Code to rezone property to a PD District. The development plan and schematic drawings submitted by the developer fulfill the requirements for a concept plan and development program statement. Factory Square conforms to the *Northside Comprehensive Land Use Plan* recommendations and there appears to be widespread community support for the project. The Northside Community Council, Northside Business Association and others are in favor of the zone change request and the residential/commercial development it will permit.

RECOMMENDATION:

The staff of the Department of Community Development & Planning recommended that the City Planning Commission take the following action:

APPROVE a zone change for Factory Square, a mixed use development located at the northeast corner of Hamilton Avenue and Blue Rock Street in Northside, from a Manufacturing General (MG) District to a Planned Development (PD) District finding that:

1. The PD concept plan and development program statement are consistent with applicable plans and policies and is compatible with surrounding development;
2. The PD concept plan and development program statement enhance the potential for superior urban design in comparison with the development under the base district regulations that would apply if the plan were not approved;
3. Deviations from the base district regulations applicable to the property at the time of the PD application are justified by compensating benefits of the PD concept plan and development program statement; and
4. The PD concept plan and development program statement includes adequate provisions for utility services, refuse collection, open space, landscaping, buffering, pedestrian circulation, traffic circulation, building design and building location with the understanding that although all aspects are covered in the concept plan as submitted further review by various City agencies is necessary before a Final Development Plan can be submitted.

DISCUSSION

Motion: Mr. Tarbell moved approval of Item #15 as recommended in the Staff Report
Second: Ms. McCray
Ayes: Mr. Faux, Ms. McCray, Mr. vom Hofe, Mr. Tarbell, and Mr. Mooney
Nays: None, **motion carried**

MR. MOONEY LEAVES AT 12:45PM**BY LEAVE**

ITEM #19 A report and recommendation on the approval of a temporary banner for The Freedom Center, which is located in Planned Development (PD) District #43 also known as The Banks PD.

Ms. Jennifer Walke, Senior Planner, presented this item.

GENERAL INFORMATION:

Location: Along W. 2nd Street, Block 3 of The Banks Master Plan

Owners:

City of Cincinnati

Petitioner:

Greg Landsman, Director of Special Projects
National Underground Railroad Freedom Center
50 East Freedom Way
Cincinnati, Ohio 45202

Purpose:

To permit banners to be hung on the 2nd Street Façade of the structure.

BACKGROUND:

The National Underground Railroad Freedom Center would like to place two 70ft x 20ft banners on the 2nd Street façade. The Freedom Center is located in PD-43. Banners will be located on the structure for a period of two-years.

EXISTING CONDITIONS:**Adjacent Land Use and Zoning:**

North: DD, Fort Washington Way

East: PD-43 Block 4 (undeveloped), DD, Great American Ball Park

South: PD-43, Block 7 (greenspace), Ohio River

West: PD-43 Block 2 (undeveloped), DD, Paul Brown Stadium.

Existing Plans

The Central Riverfront Urban Design Master Plan acknowledges the location of the National Underground Railroad Freedom Center on Block 3, but makes no specific recommendations for Block Three of the development. There are no references to signage for The Banks development in the Central Riverfront Urban Design Master Plan.

Analysis

Chapter 1429-21 of the Zoning Code lists minor amendments that may be approved administratively. Minor amendments include revisions to size and location of drainage ways, sewers, roadways, retaining walls and increases in height by 15 feet. Signage is not categorized as a minor or major amendment to a Final Development Plan. The installation of banners is a less dramatic use than other “minor amendments” listed in Zoning Code that require administrative review.

CONCLUSION:

1. Since The Banks Master Plan does not regulate signage or aesthetics for the National Underground Railroad Freedom Center, Block 3, the proposed banners would not be in violation of the Master Plan.
2. The proposed banners will not be permanent fixtures.

RECOMMENDATION:

Department of Community Development and Planning staff recommended that City Planning Commission take the following action:

APPROVE the banners to be hung on the 2nd Street façade of the National Underground Railroad Freedom Center for a period of two years.

DISCUSSION

Motion: Ms. McCray moved approval of Item #19 as recommended in the Staff Report
Second: Mr. Tarbell
Ayes: Mr. Faux, Ms. McCray, Mr. vom Hofe, and Mr. Tarbell
Nays: None, **motion carried**

OTHER BUSINESS

ITEM #16 Communication from Manley Burke regarding Collins Street steps.

Ms Wuerstle explained that she had just received the referral and that this issue would be before the Planning Commission at their second meeting in January.

ITEM #17 Project Tracking Sheets

Received and filed

ADJOURN

Motion: Ms. McCray moved to adjourn
Second: Mr. Tarbell
Ayes: Mr. Faux, Ms. McCray, Mr. vom Hofe, and Mr. Tarbell
Nays: None, **motion carried**

Margaret A. Wuerstle, AICP
Chief Planner

Caleb Faux, Chair

Date: _____

Date: _____

EXHIBIT A

Correspondence from the Citizens for the Protection of the Ohio River Views, Inc.

Citizens for the Protection of the Ohio River Views Inc.

1201 Edgecliff Place; Box 1000

Maxwelton House

Cincinnati, OH 45206

April 28, 2005

Mr. Don Mooney, Chairman
City Planning Commission
805 Central Avenue; Suite 700
Cincinnati, OH 45202-1947

RE: Sawyers Landing Proposal

Dear Mr. Mooney:

A large group of citizens (now known as Citizens for Protection of the Ohio River Views Inc.) wish to protect what views of the Ohio River still remain. Our group is concerned about Mr. George Stewart's conceptual proposal to the City Planning Commission described as Sawyer's Landing. We understand this to be a series of high and mid-rise buildings. The Citizens for Protection of the Ohio River Views Inc., is a non-profit corporation that is directly impacted by this proposal.

Please notify us of all hearings, formal and informal, relating to this proposed development at the above address. Since we are working closely with the Cincinnati Park Board, Hillside Trust, the Army Corps of Engineers, the Walnut Hills Neighborhood Associations, East End Community Council and the Ohio EPA we also ask that you notify these organizations of any and all discussion hearings, etc. related to this land.

The City Planning Commission at its last meeting discussed this project and appropriately inquired of the developer whether or not he had discussed this proposal with the surrounding neighborhood. When the developer replied that he had not, the Commission instructed him to do so.

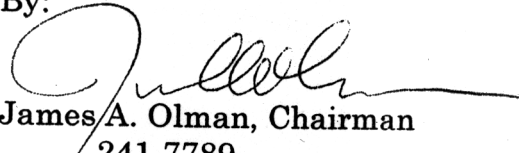
Several invitations to meet and discuss the proposal have been offered to the developer, however to this date (now over four weeks ago) these invitations have not been accepted. There are many questions that remain unanswered. In addition, we wish to add our planning input so that a responsible non-obstructive development can be accomplished on the site; something that respects the historical planning restrictions in place and the views of the river for all Cincinnatians and tourists especially from Eden Park overlook.

We ask that all further action by the City Planning Commission and City Managers staff be postponed until the developer meets with us. Thank you for keeping us advised. We will continue in the meantime to see if we can get the developer to adhere to your and our desire for a meeting with the neighborhood.

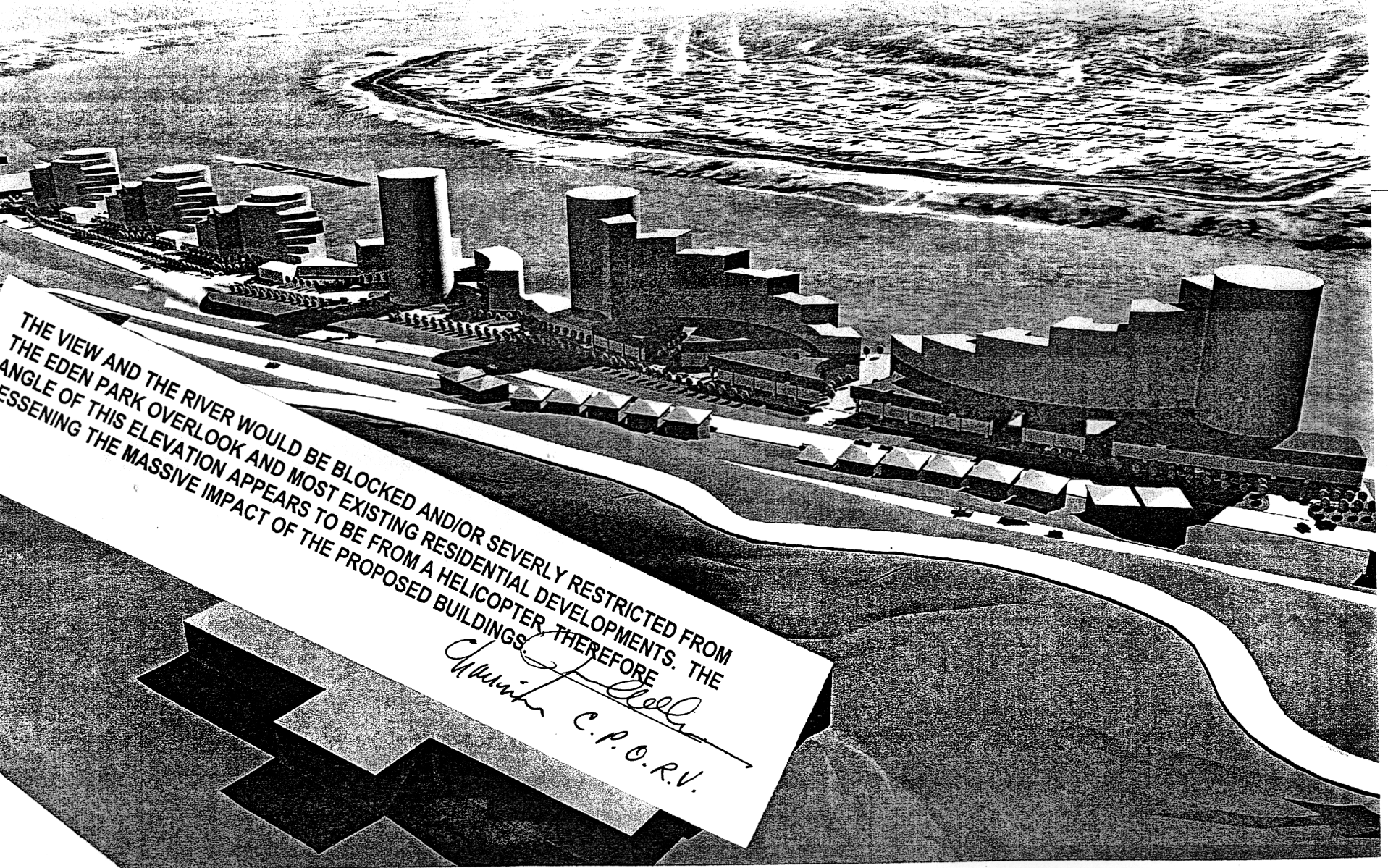
Sincerely,

Citizens for Protection of the Ohio River Views Inc.

By:


James A. Olman, Chairman
241-7789
JAOLMAN@FUSE.NET

cc: Charles Luken - Mayor
Alicia Reece - Vice-Mayor; City Council
John Cranley, City Council
David Crowley, City Council
Sam Malone, City Council
Chris Monzel, City Council
David Pepper, City Council
Christopher Smitherman, City Council
James Tarbell, City Council
Caleb Faux, City Planning Commission
Deborah Holston, City Planning Commission
Jacquelyn McCray, city Planning Commission
Curt Paddock, City Planning Commission
Terry Hankner, City Planning Commission
Valerie Lemmie, City of Cincinnati City Manager
Patrick Ewing - Economic Development
Steve Briggs - Sr. City Planner
Michael Cervay - Director of Community Development
Marian Lindberg - Chairperson Cincinnati Park Board
Steve Schuckman - Cincinnati Parks
Mary Gaither Smith - Member of Cincinnati Park Board
Eric Russo - Director Hillside Trust



THE VIEW AND THE RIVER WOULD BE BLOCKED AND/OR SEVERLY RESTRICTED FROM
THE EDEN PARK OVERLOOK AND MOST EXISTING RESIDENTIAL DEVELOPMENTS. THE
ANGLE OF THIS ELEVATION APPEARS TO BE FROM A HELICOPTER, THEREFORE
LESSENING THE MASSIVE IMPACT OF THE PROPOSED BUILDINGS.

William F. Bell
C.P.O.R.V.

Page of Computer Model Above: View of proposed project as seen from above Eden Park. The building in the foreground represents Krohn Conservatory. Dayton Kentucky is across the river with Lunken Airport and the Little Miami floodplain in the distance.